

Applicant : Robert J. Crowley  
Appl. No. : 10/020,040  
Examiner : Patrick J. Connolly  
Docket No. : 701470.21

### Remarks

Claims 1, 4-6, 8-38 and 40 are currently pending, of which claims 1, 28, and 32 are independent. Claims 1, 16, 18-19, 23, 25, 27-28, 31-32, 34, and 37 have been amended. Claims 21, 26, 38, and 40 have been cancelled.

As to claim 1, Applicants believe that claim 1 is now currently in condition for allowance. Applicants concede that Tenhoff discloses combining an ultrasound console with an OCT device described in Swanson. However, though Swanson teaches having multiple detectors in parallel, the purposes of the multiple detectors in parallel is to be able to quickly scan samples that change rapidly over time. Col. 15, ll. 35-45. In the present invention, multi-element photo-detectors are configured to detect the light intensity of an interference pattern. Page 13, para. 44. Neither Swanson nor Tenhoff, either by themselves or in combination, teach, suggest, or motivate configuring a multi-element photo detector to detect the light intensity of an interference pattern.

Accordingly, independent claim 1 is patentable over the cited references, in combination or separately, as are the corresponding dependent claims, 4-7, 8-20, 22-25, and 27.

As to claims 16, 28, and 32, "first sample light beam" and "second sample light beam" are now referred to as "sample light beam" and "reflected sample light beam" respectively. Applicants believe that the claims are now currently in condition for allowance over the cited prior art. While the Zeylikovich reference (U.S. Patent No. 5,943,133) may teach an apparatus having first and second beam splitters, the reference does not disclose having a reflected sample light beam and a diffracted reference light beam combined in the second beam splitter to form a combined light beam as required by Claims 16, 28, and 32.

Thus, with regard to the Zeylikovich reference in combination with Swanson (U.S. Patent No. 5,321,501), the Tenhoff reference (U.S. Patent No. 5,830,145), and the Zeylikovich reference in combination with the Swanson reference, the Tenhoff reference, and further, the Tearney reference (U.S. Patent No. 6,134,003), none of these references, in combination or separately, teach or suggest combining the elements of the instant invention. Specifically, none of these references, in combination or separately, teach or suggest having a reflected sample light

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beam and a diffracted reference light beam combined in a second beam splitter as required by claims 1, 28, and 32.

Accordingly, dependent claim 16 and independent claims 28 and 32 are patentable over the cited references, in combination or separately, as are the corresponding dependent claims, 17-27, 29-31, 33-38, and 40.

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Conclusion

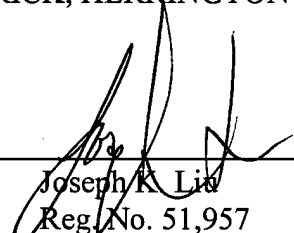
Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 949-852-7745.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to Orrick Deposit Account No. 15-0665.

Respectfully submitted,

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